

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

TONISHA DENISE WILLIAMS
DENARD GRAYSON
ANTHONY THOMAS

No. 07 CR 461

Judge Joan H. Lefkow

**MOTION FOR AN ORDER RELATING TO
TELEPHONE NUMBER 773-454-5858**

Bethany K. Biesenthal, an attorney of the United States Department of Justice, hereby applies to the Court for an order relating to the following telephone:

the telephone currently assigned telephone number 773-454-5858, subscribed to and used by Tonisha Williams, and operated on the network of Sprint (“**Williams cellular phone**”).

By this Application, the government requests that this Court enter an Order granting the following relief:

- Requiring service providers to provide historical call detail records and records reflecting the cell tower and antenna face (“cell site”) used at the start and end of each call for **Williams cellular phone** for the period from July 1, 2006 through July 31, 2006.

This Motion also requests, as set forth more fully below, that this Court's Order apply not only to **Williams cellular phone**, but also to any telephone number or physical telephone accessed through the same network account identifying number during the time period covered by the proposed Order, as well as to any other network account identifying number

or telephone number assigned during that period to the same physical telephone presently associated with **Williams cellular phone**.

In support of this Application, applicant states the following:

Authority to Seek Orders

1. Applicant is an “Attorney for the government” as defined by Federal Rule of Criminal Procedure 1(b)(1)(B) and, therefore, may apply for orders requesting the specified relief pursuant to 18 U.S.C. § 2703 (records concerning electronic communications).

Factual Background

2. As more fully described in the attached Affidavit of Federal Bureau of Investigation (“FBI”) Special Agent Brian Wentz (attached hereto as Exhibit A), the FBI is investigating allegations that Tonisha Williams robbed the First Bank, located at 8480 South Archer, Willow Springs, Illinois, on July 8, 2006.

3. Also as more fully described in the affidavit of Special Agent Brian Wentz (attached hereto as Exhibit A), there is evidence that **Williams cellular phone** was used in connection with the above-described criminal offenses and that information concerning its use will provide evidence of those offenses.

4. In particular: On July 7, 2006, at approximately 4:45 p.m., two people entered First Bank, a federally insured institution, located at 8480 South Archer, Willow Springs, Illinois. Individual A, a First Bank employee later interviewed as part of this investigation and who personally observed and interacted with the couple at the time, described them as an African-American male and an African-American female. Individual A further described

the couple as appearing to be nervous, with the male acting as if he was “casing” the bank. Individual A actually spoke to the couple. The female informed her, among other things, that her name was “Denise” and the male stated that his name was “Dre.” Individuals A and B, the assistant bank manager, observed the couple walking away from the bank and enter a beige colored car with another male African-American with Illinois license plate number F903477.

5. On the following day, July 8, 2006, at approximately 10:20 a.m., First Bank was robbed by two individuals. Bank employees, including Individuals A, B, and C, who were interviewed by law enforcement authorities subsequent to the robbery, described the robbers as an African-American male and an African-American female. First Bank employees additionally told the FBI that the female robber walked over to a teller's counter and after several unsuccessful attempts, climbed over the teller counter. The female robber then opened several teller's drawers and removed United States currency.

6. After obtaining the money, the robbers exited the bank. Bank employees and customers in the bank's drive-through facility outside the bank observed the male and female robbers exit the bank and enter a car in the bank parking lot occupied by a third individual, who was observed to be an African-American male. One of the bank customers subsequently provided bank employees with a description of the vehicle, specifically, a beige colored Chevrolet Lumina with Illinois license plate number F903477.

7. A subsequent FBI review of tapes from the bank video surveillance system that recorded the events of July 7 and July 8, 2006 described herein corroborates many of the observations of the bank employees set forth above. Among other things, the video

surveillance tape reflects that the July 8, 2006, robbery was carried out by two individuals, a male and a female African-American. The video surveillance tape reflects the robbers to be similar in general appearance to the two individuals who identified themselves to Individual A as "Denise" and "Dre" during the July 7, 2006, visit to the bank.

8. A review of Illinois Secretary of State vehicle registration databases revealed that Illinois license registration number F903477 was registered to Jean Seals, 7219 South Winchester, Chicago, Illinois. Seals is identified as an African-American having a birth date of June 6, 1938, being approximately 68 years old. Further investigation by the FBI confirmed that an individual matching the description of the female robber -- Tonisha Denise Williams -- resided at the Winchester address.

9. A photograph of Tonisha Williams was put in a photo display and shown to a bank employee who identified her as the female robber.

10. A warrant for Williams' arrest was issued on July 24, 2007. In a voluntary statement, Williams indicated that she was at her place of employment, the Cheesecake Factory located in Chicago, Illinois, on the dates and times of the bank casing and bank robbery.

11. Co-defendant Grayson provided a grand jury statement and identified Tonisha Williams as the female individual who robbed the First Bank on July 8, 2006. Grayson further stated that he (Grayson) acted as the get away driver.

12. Co-defendant Thomas also gave a voluntary statement, during which he admitted that he was the individual who accompanied Tonisha Williams to the First Bank on July 7, 2006. He further stated that on the morning of July 8, 2008, he was approached by

Williams to rob the First Bank. Thomas declined Williams' request but indicated that he helped Williams to obtain a gun for the bank robbery.

13. Subsequent to Williams' post-arrest interview, telephone records were obtained for Williams' cellular telephone. Those records indicate that Williams used her cellular telephone around the time that the bank casing and bank robbery occurred. Therefore, cell site information would establish where Williams was at the time she used her cellular telephone and to whom she was speaking. This evidence will serve to either corroborate or contradict Williams' statement regarding her whereabouts on the dates and times in question.

**Request for Historical
Call Detail and Information**

14. Applicant requests that this Court enter an Order, pursuant to 18 U.S.C. § 2703(d), directing Sprint to provide historical call detail records and historical cell site information reflecting the cell tower and antenna face used at the start and end of each call for **Williams cellular phone** for the period from July 1, 2006 through July 31, 2006.

15. Pursuant to 18 U.S.C. § 2703(c)(1)(B), a governmental entity may require a provider of electronic communication service to disclose a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications) if, among other ways, the governmental entity "obtains a court order for such disclosure under subsection (d) of this section."

16. Section 2703(d), in turn, allows the issuance of an order for "records or other information" if the government "offers specific and articulable facts showing there are

reasonable grounds to believe that . . . the records or other information sought, are relevant and material to an ongoing criminal investigation.”

17. Data pertaining to the tower and antenna face used at the beginning and end of each call a from cellular telephone is “information,” it takes the form of a “record” upon its transmission to the service provider, and this record and information “pertains to” a subscriber or customer of an electronic communication service.

18. As explained in Attachment A, there are reasonable grounds to believe that historical call detail records and historical cell site information are relevant and material to the ongoing investigation. Among other things, law enforcement officers can use historical call detail records and historical cell site information to analyze the past use of **Williams cellular phone** and thereby obtain information about the subject’s co-conspirators, associates, whereabouts, and activities, as well as patterns of behavior. In particular, the cell site information will establish the whereabouts of Williams at the time of the bank robbery.

19. Accordingly, Applicant requests that this Court enter an Order, pursuant to 18 U.S.C. § 2703(d), directing Sprint to provide historical call detail records and historical cell site information for the period from July 1, 2006 through July 31, 2006.

20. Finally, Applicant requests that Sprint and any other service provider of wire or electronic communication service, as defined in Section 2510(15) of Title 18, United States Code, shall be compensated by the government at the prevailing rate for the provision of all information, facilities, and technical assistance necessary to execute this Court's order.

Dated: September 19, 2008.

/s/ Bethany K. Biesenthal
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CERTIFICATE OF SERVICE

The undersigned Assistant United States Attorney hereby certifies that the following documents:

Motion for an Order Relating to Telephone Number 773-454-5858

were served on September 19, 2008, in accordance with FED. R. CRIM. P. 49, FED. R. CIV. P. 5, LR 5.5, and the General Order on Electronic Case Filing (ECF) pursuant to the district court's system as to ECF filers.

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